



22 MAY 2007

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In re Application of MICHEL et al :  
U.S. Application No.: 10/521,478 :  
PCT Application No.: PCT/US2003/022295 :  
Int. Filing Date: 17 July 2003 :  
Priority Date Claimed: 17 July 2002 : COMMUNICATION  
Attorney Docket No.: 16590-35 :  
For: HERBICIDE-RESISTANT PLANTS, AND :  
POLYNUCLEOTIDES AND METHODS :  
FOR PROVIDING SAME :

This is in response to the correspondence filed 09 March 2007.

### **BACKGROUND**

On 17 July 2003, applicant filed international application PCT/US2003/022295, which claimed priority of an earlier United States application filed 17 July 2002. The thirty-month period for paying the basic national fee in the United States expired on 17 January 2005.

On 17 January 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 January 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 August 2006, applicant filed an executed declaration.

On 01 March 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 28 August 2006 is improper.

On 09 March 2007, applicant filed the present response, including executed declarations.

**DISCUSSION**

The declaration executed by inventor Michael Netherland is proper. The declarations executed by the remainder of the inventors are not in compliance with 37 CFR 1.497(a)(3) in that they fail to identify each inventor.

The Notification of Defective Response set a one month non-extendable time limit for the filing of a proper response. Because a proper response was not filed, the application is abandoned as to the United States. Applicant may wish to consider filing a petition under 37 CFR 1.137(b), if appropriate. See Form PTO/SB/64/PCT.

**CONCLUSION**

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this communication, including preparation and mailing of a Notification of Abandonment (Form PCT/DO/EO/909), indicating that the application is abandoned for failure to timely file a proper response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed 01 March 2007.

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